

EAST BELLEVUE COMMUNITY COUNCIL

Summary Minutes

August 5, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keffe, Seal and Wiechmann

STAFF: Mike Upston, Land Use Reviewer
Kate Berens, Legal Planner
~~Patrice Cole, Assistant City Attorney~~

Amended per
EBCC motion
9/2/03

1. Call to Order

The meeting of the East Bellevue Community Council was called to order at 6:30 pm, Chair Bell presided.

2. Roll Call, Flag Salute

Roll was called by the Deputy City Clerk. All Councilmembers were present. Chair Bell led the flag salute.

3. Communications: Written and Oral

Dick Mason, 816 156th Avenue SE, stated his concern with the City's plan to install a new sidewalk on the east side of 156th starting at Lake Hills Boulevard moving south through his neighborhood. He stated his opposition to the new sidewalk installation and suggested instead that the City rework/upgrade the existing sidewalk on the west side of 156th to match the upgrades in progress to the north. Mr. Mason indicated that one good existing sidewalk would easily meet the needs of foot traffic through his neighborhood and would be more aesthetically appealing.

4. Approval of Agenda

Mr. Keffe moved approval of the August 5, 2003 Community Council agenda. Mr. Halgren seconded the motion.

Mr. Halgren requested the agenda additions of 10(b) Robinswood Master Plan and 10(c) Robinswood Pond.

Mr. Seal requested the addition of 11(a) T-Mobile application to construct a wireless communication facility at the Lake Hills Shopping Center.

Motion to approve the August 5, 2003 East Bellevue Community Council agenda as amended

carried unanimously.

5. Public Hearing

- (a) City Council Ordinance 5455 approving Conditional Use Permit w/conditions for T-Mobile to Replace an Existing 68' High Pole Topped by Three T-Mobile Antennas Collocated above Existing AT&T Antennas at 156th Avenue SE and SE 16th Street

Mike Upston, Department of Planning and Community Development, gave the staff overview. The proposed pole is located at the rear of the Phantom Lake Power Substation, a facility which has been in place since 1970. The property is adjacent to the Lake Hills Greenbelt with an underlying zoning of R-1.8.

Mr. Upston provided a brief background, stating that the SEPA Determination of Non-Significance was appealed by Peter W. Schroeder, architect and owner of the subdivision adjacent to the west. In January 2003, the Hearing Examiner issued his Recommendation to deny the proposed Conditional Use Permit. T-Mobile filed an appeal of the Examiner's Recommendation.

Before the appeal was heard by Council, a letter from the SEPA appellant, Peter Schroeder, was received by the City withdrawing his appeal and changing his position. At the City Council's appeal hearing they were advised that material of potential importance was received after the Examiner's hearing and remanded the matter to the Examiner for reconsideration. The remand hearing before the Examiner was noticed for May 14, 2003 at which time he took Mr. Schroeder's letter into evidence. On May 28, 2003 the Hearing Examiner issued a Revision of Recommendation that reversed the original Recommendation for Denial and instead recommended that the Conditional Use Permit be approved with conditions.

In response to Mr. Keeffe, Mr. Upston stated the "L" shaped property adjacent to the subject site is currently being developed.

Chair Bell opened the public hearing.

Chris Peters, 1445 159th Avenue, stated his objections to the proposed application. He began by stating his past affiliation with a similar company. He stated the applicants argument, based on the applicants statement of need for capacity to supplement conventional land lines was fallacious. He stated it is instead a matter of convenience. Mr. Peters noted the negative visual/aesthetic impact.

George Kresovich, representing the applicant, summarized the proposal. He agreed that people of his generation might indeed consider mobile communications a convenience while others would argue its necessity. Mr. Kresovich clarified that the applicants statement of need refers to wireless capacity, not land lines. He stated the proposed site was carefully selected. It is the

only site in the area, although zoned residential, that has a utility use. He reviewed the proposal to replace the existing facilities with a facility moved back out of the view shed of Mr. Schoeder's project.

Jim Eder, 15422 SE 7th Place, asked if cell towers would interfere with home electronic equipment. Responding the Mr. Eder, Mr. Andrew Nenninger explained open frequency versus the FCC regulated frequencies. He stated that many of the consumer products operate within the open unlicensed frequencies while mobile communications operate within the licensed or allocated FCC frequencies.

Seeing no one further wishing to speak, Mr. Seal moved to close the public hearing. Mr. Keffe seconded the motion which carried with a vote of 5-0.

Chair Bell reviewed the Conditional Use approval criteria. There was Council discussion with staff and the applicant.

6. Resolutions

(a) Resolution 457 – Approving/Disapproving City Council Ordinance 5455

Mr. Seal moved approval of Resolution 457 adopting City Council Ordinance 5455. Mr. Halgren seconded the motion.

Mr. Halgren noted his shared concern related to height but stated the application is consistent with the Comprehensive Plan. He stated his support for Resolution 457.

Motion approving Resolution 457 carried unanimously.

7. Reports of City Council, Boards and Commissions

8. Department Reports

9. Committee Reports

10. Unfinished Business

(a) Community Council Reconsideration of Past Ordinance Disapprovals
Background materials provided under separate cover.

Kate Berens, Department of Planning and Community Development, reviewed with Council each of the Ordinances under consideration for reconsideration.

Ordinance 5234

Council agreed to reconsider footnote #6 only.

Ordinance 4646

Council expressed a willingness to reconsider footnote #36.

Ordinance 4511

Mr. Halgren expressed a willingness to add a line denoting “city parks” while retaining the conditional use process requirement. Mr. Keffe concurred.

Council indicated it would be willing to take another look at footnote #10 plus the line in the Land Use Chart that is identified as “city parks”.

Ordinance 4270

Mr. Keffe repeated his continued concerns regarding the impact on residential zoning designations with the introduction and universal application within a multiple lot tract of “minimum lot size”. Historically, prior to its disbandment, individual minimum lot size issues were handled by the Board of Adjustments on an individual, rather than universal within a tract, basis. To permit individual minimum lot size anomalies previously approved by the Board of Adjustments, the minimum lot size allowance methodology was established but without either qualification or limitation as to its use in multiple lot tracts.

Council declined reconsideration of Ordinance 4270.

Ordinance 4029

Ms. Berens reviewed the impacts of the Community Council’s original disapproval. There was Council discussion. Council stated they were amenable to reconsideration of Ordinance 4029.

Ordinance 3985

Council indicated a willingness to reconsider any portion of Ordinance 3985 not related to the recreational vehicle storage provision.

Ordinance 3747 / Ordinance 2808

Ms. Berens stated both ordinances related to footnotes to the dimensional chart. There was Council discussion and consensus to not reconsider either their previous approval of Ordinance 3747 nor their disapproval of Ordinance 2808.

Ordinance 3095

There was Council agreement to reconsider Ordinance 3095.

The Community Council indicated their preference that staff return with each of the potential Code changes in separate legislative form.

(b) Robinswood Master Plan

Mr. Halgren reviewed past correspondence from the Parks and Community Services Director

regarding the lack of a Robinswood Master Plan, stating that the Robinswood Park design and development plan from the early 1970s serves in its place. According to Mr. Foran, if changes were proposed that significantly alter the use of Robinswood Park, staff would request the City Council to initiate the master planning process.

Mr. Halgren noted that staff is proposing an installation of artificial turf to the soccer fields that could significantly increase its usage and potentially impact surrounding property owners. Mr. Halgren requested consensus to send the Director a memorandum suggesting that the above alteration would indeed constitute a significant change and justify the initiation of the master plan process. There was Council consensus to send such a memorandum.

(c) Robinswood Pond

Mr. Halgren pointed out the draft memorandum regarding the current health of the Robinswood Pond in the desk packet. There was Council agreement to send the memorandum.

(d) Spiritwood Park Storm Water Retention Project

Mr. Seal called Council's attention to the draft memorandum regarding the SE 16th storm water retention project at Spiritwood Park. He reminded Council that this issue was brought to the Council's attention at their July meeting by Mr. Vernon Andersen. Mr. Seal explained that he has toured the neighborhood and questions the placement of the proposed retention basin. Mr. Seal suggested that the proposed memorandum be modified to include drainage issues one block away at SE 17th Street as well.

Chair Bell concurred, suggesting the memorandum reference Mr. Andersen.

There was Council agreement to send a revised memorandum. Mr. Seal agreed to make the necessary revisions.

11. New Business

(a) T-Mobile application to construct a wireless communication facility at the Lake Hills Shopping Center

Mr. Seal drew Council's attention to the proposed Administrative Conditional Use permit application by T-Mobile to replace the antenna at the Lake Hills Shopping Center. There was Council discussion and consensus to request additional information from staff.

12. Continued Communications

Chair Bell stated that he notified staff that some of the landscape plantings at the south side of the entrance to Sunset Lane were stressed for lack of water. He commended Ms. Floyd and Mr. Acker for their quick response and resolution to the problem. The contractor has installed an

additional sprinkler head west of the corner which seems to be doing the trick. He stated this was a good example of caring people on the City's staff.

Chair Bell briefly provided an overview of the stories he included in the East Bellevue Community Council's article for the August edition of Its Your City.

Mr. Halgren called the Council's attention to the number of times this evening that they were told, because of a series of subsequent legislative approvals, some of the Community Council's past disapprovals have essentially evaporated with legislative modifications made at later dates. Tonight's reconsideration discussion provided a good example of how the Council's approval of some general clarifications and typographical corrections made previous land use disapprovals meaningless.

Chair Bell concurred, stating Ms. Berens agreed that staff could do a much better job of packaging the whole subject and identifying all implications of any proposed legislation.

13. Executive Session None.

14. Approval Summary Minutes

(a) July 1, 2003 East Bellevue Community Council Summary Minutes

Mr. Keeffe moved to approve the July 1, 2003 East Bellevue Community Council Summary Minutes. Mr. Seal seconded the motion which carried with a vote of 5-0.

15. Adjournment

Mr. Halgren moved adjournment. Mr. Seal seconded the motion which carried unanimously. The East Bellevue Community Council August 5, 2003 meeting adjourned at 10:19 pm.

Submitted By:

Michelle Murphy, CMC